

WaiversFirst Name Last Name Claim Number

W-19-0019

Amount OGC Received Date Assigned To Assigned Date

\$1253.19 08/19/2019 Stephanie Rich 08/22/2019

EPA Decision EPA Decision Date Amount Approved Status

DENIED 02/05/2020 CLOSED

Appeal Comments

No :

This email is in response to your "Waiver of Indebtedness Application" dated August 13, 2019, wherein you have requested approval of a waiver of debt in the amount of \$1,253.19. For the reasons set forth below, your request for a waiver is denied.

Background

Our records show you were on detail to a supervisory position in Washington, DC from October 14, 2018 to January 11, 2019. During this time, you were eligible for DC locality pay. On January 12, 2019, your locality pay should have been your home station of Durham, NC. However, due to an error by the Cincinnati Human Resources Shared Service Center (HR), you received DC locality pay for several pay periods after your detail had ended. The locality pay rate for DC is higher than the rate for Durham, DC. As a result, you incurred a debt of \$1,253.19. The Interior Business Center (IBC) at the Department of Interior sent you a Bill for Collection (Debt ID 90990257530) in the amount of \$1,253.19, which you received on May 6, 2019, for overpayments made from Pay Period 03 of 2019 through Pay Period 06 of 2019.

In response to the Bill for Collection, you submitted a "Waiver of Indebtedness Application" dated August 13, 2019. In support of your application, you state that the overpayment is a result of an Agency error beyond your control and that you attempted to immediately correct the error.

Analysis

In the present case, I find that the overpayments were caused by Agency administrative error. Under 5 U.S.C. § 5584, I have the authority to waive claims for overpayments of compensation and allowances if collection would be against equity and good conscience and not in the best interests of the United States. "Such authority may not be exercised if there is an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim." B-231018 (1989).

Generally, an employee who knows or reasonably should have known that he or she was overpaid should be prepared to repay the debt and it is not against equity and good conscience to collect. B-227322 (1988); B-223508 (1986). "This rule is particularly relevant in the case of leave and earnings statements." B-243885 (1991). If an employee could have reasonably ascertained from his or her ELS that there was an erroneous

payment or allowance, then the waiver request should be denied. B-240393 (1991).

As you have stated in your application, you were aware that HR had incorrectly processed your locality pay. Your ELSs for pay periods 2019-03 through 2019-06 list your duty station as DC. Because you were aware that you were incorrectly receiving locality pay for DC instead of Durham, NC, I find that it is not against equity and good conscience to collect the \$1,253.19 that you owe. Accordingly, your request for a waiver is denied.

Type
Locality Pay

Attachments